

IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 758 of 2005 (S/S)

Rajendra Singh Dangi
Aged about 45 years
S/o Sri L.S. Dangi
Presently posted at Kendra Prabhari
Tawaghat, District – Pithoragarh ... Petitioner

Versus

1. State of Uttaranchal
Through Secretary Food and Civil Supplies,
Dehradun
2. District Magistrate, Pithoragarh, Uttaranchal
3. District Supply Officer
Food and Civil Supplies, Pithoragarh
4. Financial Accountant
Food and Civil Supplies,
Kumaon Mandal, Haldwani ... Respondents

Sri D.S. Patni, learned counsel for the petitioner.

Sri Paresh Tripathi learned Standing Counsel for the respondents

Hon'ble B.C. Kandpal, J.

By way of this writ petition, a direction has been sought in the nature of certiorari quashing the order dated 28.04.2005 passed by the District Magistrate, Pithoragarh (annexure – 1 to this writ petition). Another direction has also been sought in the nature of mandamus commanding the respondents to allow the petitioner to work in the Godown at Tawaghat on the post of Clerk / Lipik and pay him salary regularly.

Brief facts giving rise to this writ petition are that the petitioner has been working as Lipik/Clerk under the subordination of respondents since 1981. On 21.04.2005 to 22.04.2005 the petitioner was found absent without leave and permission when the tour of the District Supply Officer was there with regard to auditing at Haldwani.

The petitioner was put to suspension on the four charges as follows:-

1. On a tour of District Supply Officer, Pithoragarh from Dharchula to Pangala from 21.04.2005 to 22.04.2005, the petitioner was found absent without application for leave and permission.
2. In relation to petitioner the complaints received that he is continuously absent from duty.
3. Non maintenance of food supplies in the food stores at Tawaghat and Pangu.
4. Through Newspaper and Public representative information regarding scarcity of Food/ Sugar in the centers at Tawaghat/Pangu. Despite of having availability of food supplies in the area artificial scarcity of the same.

The petitioner has challenged the suspension order dated 28.04.2005 on the ground that the suspension order has been passed without giving any opportunity to the petitioner and the charges leveled against him appear to be vague and do not warrant any major punishment.

Heard learned counsel for the petitioner as well as learned Standing Counsel for the respondents and perused the record.

The order suspending the petitioner is not a punishment, as the incumbent is kept under suspension because of the reason that he may not temper with the record. However, a prime facie case is made out against the petitioner or not is not a question to be decided by way of this writ petition. The petitioner has to face inquiry to be conducted by the inquiry officer.

I do not find any ground to stay the impugned suspension order dated 28.04.2005. However, the respondents are directed to expedite the inquiry within a period of 45 days.

The petitioner is also expected to cooperate in the inquiry and shall not seek any unnecessary adjournment.

With these observations, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

16th June, 2005
Shiv